

JOINT STATUS LETTER

July 19, 2023

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To: Hon. Anne Y. Shields, U.S.M.J.

Re: *Aberdeen Enterprises, Inc. & Louise Blouin v. United States of America*,
Docket No. CV 22-7190 (LDH)(AYS)

Dear Judge Shields:

In keeping with your Order of June 24, 2023, the plaintiff Aberdeen Enterprises, Inc., the plaintiff and counterclaim defendant Louise Blouin, and the defendant and counterclaim plaintiff United States of America, by their respective counsel, submit this joint letter to advise the Court regarding the status of discovery.

The United States has served responses to plaintiffs' requests for production of documents. The United States' document request to plaintiff Aberdeen Enterprises, Inc. remains outstanding. The United States also intends to serve a request for production of documents to Ms. Blouin in the near future.

The United States took the deposition of Ms. Blouin on July 14, 2023. Plaintiffs are scheduled to take a Rule 30(b)(6) deposition of the United States on August 1, 2023. The United States is scheduled to take a Rule 30(b)(6) deposition of Aberdeen Enterprises, Inc. on August 11, 2023. There has emerged an issue relating to the Aberdeen Enterprise Rule 30(b)(6) deposition which involves a recent Notice received by Aberdeen's lender, Bay Point Capital Partners II, LLC, by which Bay Point is asserting that under certain loan agreements with

Aberdeen, it has appointed and substituted a managing director in place of the current one. While the appropriateness of such appointment is subject to dispute, it does raise the issue of who is empowered to authorize a person to testify on behalf of Aberdeen. Counsel for Plaintiffs is dealing with this issue; but thought to point it out here in case it causes a delay of the scheduled deposition.

In addition, the parties have conferred and have identified the following remaining individuals that the United States may seek to depose herein:

Wendy Buckley
Barbaralee Diamonstein-Spielvogel
Omaira Escobar
Dawn Fasano
Ben Genocchio
Ben Hartley
Matthew Kabatoff
Diego McDonald
Allen Povol
Catherine Shanley
Pankaj Shah

Depositions of these individuals have not yet been scheduled. The parties will work with the witnesses and their counsel to try to schedule the depositions to take place during September and October. In the event the United States wishes to exceed the ten-deposition limit of Fed. R. Civ. P. 30(a)(2), then the United States will seek leave of Court at that time.

The United States is willing to forego a separate deposition of Mr. Kabatoff if he is the Rule 30(b)(6) designee of Aberdeen Enterprises, Inc. The deposition of Ms. Fasano is also contingent upon counsel for the United States obtaining approval within the Department of Justice because Ms. Fasano is an attorney and Department guidelines prohibit attorney depositions without prior internal approval.

Respectfully,

/s/ Edward J. Murphy, /s/ Eric Ashby & /s/ Brett L. Messinger